

Message Text

CONFIDENTIAL

PAGE 01 SAN SA 04357 221529Z

ACTION ARA-14

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC 9313

C O N F I D E N T I A L SAN SALVADOR 4357

E.O. 11652: GDS

TAGS: EFIN EINV SHUM ES

SUBJ: PARTIAL BOX-SCORE ON HUMAN RIGHTS DEVELOPMENTS IN EL SALVADOR

REF: STATE 103956

1. PARA 4(A) OF REFTEL SUGGESTED DESIRABILITY OF SOME
"PROMPT CONCRETE DEMONSTRABLE IMPROVEMENTS IN SOME AREAS
OF HUMAN RIGHTS (ESPECIALLY INDIVIDUAL RIGHTS) IN EL
SALVADOR" WHICH MIGHT BE TAKEN INTO ACCOUNT BY USG WHEN
DETERMINING ITS POSITION WITH RESPECT TO FUTURE IFI LOANS.

2. WE HAVE A VERY LONG WAY TO GO IN TERMS OF HUMAN RIGHTS
IMPROVEMENT IN EL SALVADOR BUT SHORT OF THE FINAL BOX SCORE
PERIODIC REPORTS MAY BE USEFUL IN IDENTIFYING ELEMENTS OF
MODEST PROGRESS ALONG THE WAY. THE FOLLOWINPSFOR EXAMPLE,
IS A LIST OF THE SEVEN SUGGESTIONS IN PARA 4(A) REFTEL
WITH A NOTATION AS TO SUBSEQUENT ACTION TAKEN ON EACH:

A. PEACEFUL MEETINGS WITH CONSTRUCTIVE ELEMENTS OF
PEASANT, LABOR, AND RELIGIOUS GROUPS TO HEAR THEM OUT AND
TO TAKE SOME MEASURES TOWARD MEETING THEIR CONCERNS ABOUT
ALLEGED ABUSIVE TREATMENT, ARBITRARY ARRESTS, OR
IMPRISONMENT OF PEASANTS. ACTION TAKEN: NO SPECIFIC
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SAN SA 04357 221529Z

MEETINGS WITH THE LABOR AND RELIGIOUS GROUPS LISTED.
UNION COMUNAL SALVADORENA (UCS) IS A BASICALLY
APOLITICAL CAMPESINO CO-OPERATIVE ASSOCIATION WHICH
ADVOCATES ECONOMIC BETTERMENT OF ITS MEMBERS. GOES
HAS SET UP A SPECIAL COMMISSION ON THE UCS COMPOSED
OF MINISTERS OF AGRICULTURE AND LABOR AND OTHER GOES
OFFICIALS, TO HANDLE MATTERS OF CONCERN TO THE UCS. IT

HAS ALSO ASSIGNED THREE ADVISORS TO THE UCS. BOTH THESE ACTIONS HAVE PROVIDED FOR ESTABLISHED, IF NOT ALWAYS EFFECTIVE, CHANNELS OF COMMUNICATION BETWEEN GOVERNMENT AND UCS. SINCE ASSUMING OFFICE PRESIDENT ROMERO HAS MET SEVERAL TIMES WITH THE NATIONAL EXFKUTIVE COUNCIL (CEN) OF THE UCS. HOWEVER, NO SUCH CONTACTS OR CHANNELS OF COMMUNICATION HAVE, TO THE BEST OF OUR KNOWLEDGE, BEEN OPENED WITH THE ANTI-GOES CAMPESINO ORGANIZATION FECCAS-UTC, WHICH IN VIEW OF GOES PROBABLY DOES NOT FALL INTO CATEGORY OF A "CONSTRUCTIVE" PEASANT ORGANIZATION.

B. DOCUMENTING REPRIMANDING ACTIONS OR LEGAL PUNISHMENT METED OUT TO MEMBERS OF "ORDEN," SECURITY FORCES OR GUARDIA NACIONAL PERSONNEL WHO HAVE COMMITTED HUMAN RIGHTS VIOLATIONS. ACTION TAKEN: CHRONOLOGY OF FEBRUARY 1978 HUMAN RIGHTS REPORT CONTAINS THREE INSTANCES OF WHAT CAN BE CONSIDERED LEGAL PUNISHMENT OF MEMBERS OF SECURITY FORCES FOR USING EXCESSIVE FORCE. ALSO, VICE PRESIDENT ASTACIO INFORMS US HE HAS WRITTEN TO PATT DERIAN ACCEPTING HER OFFER OF TECHNICAL ASSISTANCE IN TELEVISING HUMAN RIGHTS MATERIAL TO AN AUDIENCE OF GOVERNMENT WORKERS INCLUDING MEMBERS OF SECURITY FORCES AND "ORDEN."

C. ACTIONS SUCH AS INVITING THE INTERNATIONAL RED
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SAN SA 04357 221529Z

CROSS COMMITTEE TO PERIODICALLY INSPECT PRISONS SO AS TO DEAL WITH PERSISTENT ALLEGATIONS THAT THE GOES HOLDS POLITICAL PRISONERS DESPITE ITS DENIAL. ACTION TAKEN: NONE.

D. RATIFICATION OF THE AMERICAN CONVENTIO NOF HUMAN RIGHTS WHICH EL SALVADOR HAS ALREADY SIGNED. ACTION TAKEN: EL SALVADOR RATIFIED THE AMERICAN CONVENTION OF HUMAN RIGHTS ON JUNE 23.

E. PUBLIC TRIAL OF PERSONS ARRESTED WITHIN REASONABLE PERIOD. ACTION TAKEN: THE RECORD HERE IS A VERY MIXED ONE. MANY PERSONS ARRESTED ARE REMANDED TO THE COURTS AND/OR BROUGHT TO PUBLIC TRIAL WITHIN REASONABLE TIME LIMITS SPECIFIED BY CONSTITUTION AND LOCAL LAW. MANY OTHERS ARE NOT, PARTICULARLY THOSE DETAINED ON CHARGES OR SUSPICION OF ACTIVITY CONSIDERED TO BE SUBVERSIVE. OF. PUBLICATION OF IMPLEMENTING LEGISLATION OR REGULATIONS FOR THE PUBLIC ORDER LAW, TO MINIMIZE CONCERN FOR ITS POTENTIALLY ABUSIVE APPLICATION. ACTION TAKEN: NO SUCH LEGISLATION OR REGULATIONS HAVE YET BEEN PUBLISHED. GOVERNMENT OFFICIALS RECENTLY

RECEIVED AND TALKED WITH PROXRSSOR DONALD FOX OF THE INTERNATIONAL COMMISSION OF JURISTS WITH RESPECT TO CONSTITUTIONALITY AND PROPRIETY OF THE PUBLIC ORDER LAW AND ITS IMPLEMENTATION. FURTHERMORE, THE VICE PRESIDENT, VARIOUS CABINET MINISTERS AND PRESIDENT OF THE LEGISLATIVE ASSEMBLY HAVE ALL NOW HEARD MY PRESENTATION WITH RESPECT TO ADVANTAGES OF SO MODIFYING THAT LAW AS TO CONVERT IT FROM ONE OF UNILATERAL IMPOSITION INTO A CONSENSUS DOCUMENT.

G. ..."GREATER INITIATIVE TOWARD DISCUSSING AND DEALING WITH ISSUES SUCH AS MINIMUM WAGES AND RURAL CREDIT." ACTION TAKEN: IN A PERIOD OF FALLING COFFEE PRICES, GOES HAS FOUND IT DIFFICULT TO BE VERY FORTHCOMING IN DISCUSSION
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 SAN SA 04357 221529Z

OF HIGHER MINIMUM WAGES, RURAL CREDIT, ETC. ON JUNE 29, HOWEVER, MINISTRY OF LABOR DECREE NO. 33 RAISED THE MINIMUM WAGE FOR RURAL WORKERS. IN THE CASE OF MALE WORKERS OVER 16 YEARS OF AGE THE NEW MINIMUM WAGE WAS FIXED AT 4.25 COLONES PER DAY, AN ADMITTEDLY VERY MODEST SUM BUT NONETHELESS 12 PERCENT ABOVE THAT OF THE PREVIOUS YEAR. IN TERMS OF MOVEMENT TOWARD AGRARIAN REFORM, GOES IS MOVING AHEAD WITH IMPLEMENTATION OF ITS LAND TAX ON RURAL PROPERTIES AND HAS NOW SUBMITTED A BILL TO ESTABLISH A FINANCIAL CORPORATION FOR AGRICULTURAL LAND (COFINTA) WHICH IS INTENDED TO FACILITATE SMALL-FARMER ACQUISITION OF LAND. LONG-TERM EASY CREDIT WILL BE MADE AVAILABLE TO ENABLE COFINTA IN ITS INITIAL YEARS TO ACQUIRE 100,000 MANZANAS OF LAND FOR DISTRIBUTION TO LANDLESS PEASANTS. AT SAME TIME PRESIDENT ROMERO HAS STATED THAT THE SALVADORAN INSTITUTE FOR AGRARIAN TRANSFORMATION (ISTA) IS ALSO MAKING NEW PURCHASES OF LAND TOTALING SOME 18,000 MANZANAS.

3. SINCE RECEIPT OF REFTEL, GOES HAS ALSO ACTED WITH REMARKABLE RESTRAINT IN CASES OF SEIZURE BY URBAN DEMONSTRATORS OF FOUR FOREIGN EMBASSIES, RED CROSS HEAD-QUARTERS, UN BUILDING, OAS OFFICE, ETC. IN ALL CASES DEMONSTRATORS WERE EVENTUALLY ALLOWED TO LEAVE THE PREMISES AND DISPERSE WITHOUT POLICE ARREST OR RETALIATION.

4. WITH REGARD TO PUBLIC ASSEMBLY, GOES APPEARS TO APPLY A FLEXIBLE POLICY DEPENDING UPON DEGREE OF PUBLIC INCITATION OBSERVED BEFOREHAND. IN CASE OF MAY 1 MAY DAY DEMONSTRATIONS, FOR EXAMPLE, GOES GAVE PERMISSION TO HOLD SAME AND WITHDREW ALL UNIFORMED PERSONNEL FROM THE STREETS SO AS TO REDUCE CHANCES OF CONFRONTATION. RESULT WAS THE MOST PEACEFUL MAY DAY IN RECENT YEARS. IN CONTRAST
CONFIDENTIAL

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PAGE 05 SAN SA 04357 221529Z

TO THIS WAS THE PLANNED DEMONSTRATION OF JULY 30. IN FACE OF HIGHLY BELICOSE TONE OF PROPAGANDA, LEAFLETS, ETC., PRIOR TO JULY 30 AND OF DETECTED PLANS OF SUBVERSIVE ORGANIZATIONS TO TRUCK LARGE NUMBERS OF PEASANTS INTO SAN SALVADOR FOR THE OCCASION, SECURITY FORCES CLOSED OFF ENTRANCES TO THE CITY AND TO PUBLIC PLACES AND EVENTUALLY PREVENTED DEMONSTRATION FROM TAKING PLACE.

5. ABOVE TRACK RECORD IS NOT VERY COMPLETE OR SATISFACTORY BUT DOES REFLECT SOME ELEMENTS OF MODEST PROGRESS OF WHICH WE ASSUME DEPARTMENT WOULD WISH TO BE INFORMED.

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